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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2600

PATENT  
ATTORNEY DOCKET NO.: 046601-5090

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                  |   |                        |
|----------------------------------|---|------------------------|
| In re Application of:            | ) |                        |
|                                  | ) |                        |
| Takanobu OTSUBO, et al.          | ) | Confirmation No.: 6182 |
|                                  | ) |                        |
| Application No.: 09/841,023      | ) | Group Art Unit: 2624   |
|                                  | ) |                        |
| Filed: April 25, 2001            | ) | Examiner: V. Rudolph   |
|                                  | ) |                        |
| For: IMAGE PROCESSOR AND STORAGE | ) | <b>Mail Stop AF</b>    |
| MEDIUM                           | ) |                        |

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop AF**  
Alexandria, VA 22314-1450

Sir:

**NOTICE OF APPEAL TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final  
Office Action dated August 9, 2006, finally rejecting claims 2-22, 24 and 25.

02/12/2007 SZEWDIE1 00000109 500310 09841023  
01 FC:1401 500.00 DA  
02 FC:1253 900.00 DA

## 1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months<br/>Requested</u>                | <u>Fee for<br/>Extension</u> | <u>[Fee for Small<br/>Entity]</u> |
|--|------------------------------|-----------------------------------|
| <input type="checkbox"/> one month               | \$ 120.00                    | \$ 60.00                          |
| <input type="checkbox"/> two months              | \$ 450.00                    | \$ 225.00                         |
| <input checked="" type="checkbox"/> three months | \$ 1,020.00                  | \$ 510.00                         |
| <input type="checkbox"/> four months             | \$ 1,590.00                  | \$ 795.00                         |

☒ An extension of time for 1 month has already been secured and the fee paid therefore of \$120.00 is deducted from the total fee due for the total months of extension now requested. Please charge Deposit Account No. 50-0310 in the amount of \$900.00 for the extension of time fee.

If an additional extension of time is required, please consider this a Petition therefor.

## 2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)(1)

☒ The Commissioner is authorized to charge the appeal fee of \$500.00 to Deposit Account No. 50-0310.

## 3. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 the amount of \$1400.00 for the extension of time and Notice of Appeal fee.

4. Constructive Petition

- ☒ **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully Submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Kyle J. Choi  
Reg. No. 41,480

Dated: February 9, 2007

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